

ANNA S. DUNN.

MARCH 7, 1904.—Ordered to be printed.

Mr. PATTERSON, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 6416.]

The Committee on Pensions, to whom was referred the bill (H. R. 6416) granting an increase of pension to Anna S. Dunn, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted and the passage of the bill is recommended.

The House report is as follows:

Rhadamanthus H. Dunn, the officer named in this bill, served as sergeant in Company E, Second Tennessee Volunteers, from August 9, 1861, to February 10, 1862, and as second lieutenant of Company A, Third Tennessee Volunteers, from the last-named date to November 1, 1863, when promoted to major of the same regiment; and as such major to February 23, 1865, when honorably discharged.

The medical records of the War Department show him to have been under treatment in July, 1864, for a wound (contusion).

A claim of the officer under the general law, based upon the wound of head and resulting traumatic erysipelas, received at Kenesaw Mountain July 2, 1864, was allowed in October, 1898, at \$6.25 per month (one-quarter of the rank of major) commencing September 20, 1897, and ending July 2, 1898, the date of his death; and such pension was made payable to his widow, the beneficiary named in the bill.

At the same time the widow, now 58 years of age, was also pensioned in her own right under the act of June 27, 1890, at \$8 per month from July 19, 1898, upon proof of her marriage to the officer November 10, 1868, his death July 2, 1898, and her dependence within the meaning of the law.

The officer, who was a practicing physician and surgeon, stated in an affidavit filed in the Pension Bureau, that constantly since service he had been troubled with erysipelas, and filed proof as to his treatment for such periodical attacks since 1866, which attacks, in the opinion of his physicians, were due to the wound of head.

Prior to the allowance of the invalid claim, April 13, 1898, the officer was examined by surgeons at Colorado Springs, Colo., who found him helpless from diabetes and its sequela. The wound of head, however, was described in the certificate only as a scar on the right side of the head on the right frontal prominence, 2 centimeters in length, painful on pressure and attached but not dragging.

The claim of the beneficiary as the widow of the officer named above, made under the general law, was rejected October 8, 1898, upon the ground that the fatal diabetes was not a result of the wound, as claimed, and was not otherwise shown to be due to his military service.

In support of said claim the beneficiary filed the testimony of a number of physicians, who testified to treatment of the officer for several attacks of erysipelas of a severe character and evidently of traumatic origin, and lasting sometimes four or five weeks; that there was a cicatrix 1 inch above the right frontal eminence, which caused a marked depression of bone, and that the wound of head was the primary cause of the diabetes, which terminated in death July 2, 1898; that six months prior to his death the officer lost flesh rapidly, and that a considerable time before he was known to be suffering with diabetes he had exhibited symptoms of mental aberration.

The beneficiary appealed to the Department from the rejection of her general-law claim, and with such appeal filed the testimony of Doctor Streeter, who set forth at length the physical condition of the officer, and quoted a number of authorities to the effect that diabetes could be, and sometimes was, produced by cerebral softening or cerebral tumors; that the process of development either of cerebral softening or of cerebral tumors was not always made manifest by diagnostic symptoms, and that symptoms associated with the officer's death were those usually manifested by patients suffering from tumors of the brain and not those of idiopathic diabetes or diabetes attributable to other cause except that of cerebral tumors, and that the history of the officer's case afforded a reasonable conclusion that the cerebral tumor existed and was directly attributable to the wound received on the head while serving as a soldier.

Assistant Secretary Webster Davis, however, affirmed the action of the Pension Bureau, under date of June 26, 1899, upon the ground that "while it is clearly shown by the evidence on file that the immediate cause of the officer's death was diabetes mellitus, it is not shown, however, by such evidence, nor otherwise established, that the remotest connection existed between the pensioned and the death causes; nor is it believed that the theory advanced by Doctor Streeter as to the supposed relation of cause and effect between the wound and diabetes is susceptible of demonstration; that while it is true that injury or disease of the central nervous system is sometimes followed by diabetes, it would take a very vivid imagination to discover any connection between the slight wound of the head—which was followed by no nervous symptoms whatever—and the attack of diabetes mellitus occurring thirty-four years thereafter."

Testimony filed with your committee sets forth that the beneficiary is unable to work by reason of her age and physical condition and that she is wholly dependent upon her pension for a livelihood, having no property except a small four-room cottage.

In view of the meritorious services of the husband of this beneficiary for nearly four years, your committee, in view of the testimony of Doctor Streeter, recommend that the doubts in the case be resolved in favor of the beneficiary to the extent of increasing her pension from \$8 to \$20 per month.

The passage of the bill is therefore recommended.